

IN RE: PETITION FOR SPECIAL HEARING	* BEFORE THE
SE/Corner Cuba Road and	
Gardiner Road	* ZONING COMMISSIONER
(13941 Cuba Road)	
8th Election District	* OF BALTIMORE COUNTY
3rd Councilmanic District	
	* Case No. 98-488-SPH
Randle M. Goetze, et ux	
Petitioners	*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed pursuant to Section 26-172(b) of the Baltimore County Code (B.C.C.), by the owners of the subject property, Randle M. and Nancy L. Goetze, through their attorney, William F.C. Marlow, Jr., Esquire. The Petitioners seek approval of a waiver of the requirements of Section 26-203(c)(8) of the B.C.C., and a finding that their proposal satisfies the requirements of Section 26-278 of the B.C.C., as those regulations relate to the preservation of historical buildings and sites, to approve the construction of an addition to an existing building. The subject property and relief sought are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

Section 26-172(b) of the Baltimore County Code (B.C.C.) provides that waivers from the requirements of Section 26-203 of the Code (i.e., the development plan) can be granted by the Director of the Department of Permits and Development Management (DPDM). Such requirements can be waived upon a finding that the size, scope and nature of the proposed development does not justify strict compliance, that a waiver would be within the scope purpose, and intent of the development regulations, and that the proposed development complies with all other County laws, ordinances, and regula-

ORDER RECEIVED FOR FILING

Date

By

7/28/98
[Signature]

tions. In order to afford due process, the Director has designated the Zoning Commissioner (Hearing Officer) to consider the waiver request filed in this instance. Moreover, in order to provide public notice, the property was posted with a sign describing the request on June 28, 1998. There has been no request by the public for a hearing nor any public input for the requisite period of fifteen (15) days after posting the property, thus the matter is eligible for review.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code and a site plan of the subject property and existing and proposed improvements. That plan shows that the subject property is a large parcel with frontage on Cuba Road, adjacent to Gardiner Road and Worcestor Lane in Hunt Valley. The property contains approximately 76.118 acres in area, zoned R.C.2, and is improved with a historic dwelling which bears the address 13941 Cuba Road. The Petitioners propose to construct two additions to the existing dwelling. As shown on the site plan, the existing dwelling is an "L"-shaped structure and additions are proposed to both ends of the building. The information submitted is persuasive to a finding that the proposed additions are consistent with the character and historic features of the existing dwelling and will not be inappropriate. Furthermore, the Landmarks Preservation Commission reviewed the Petitioners' proposal and recommended a finding that the project is consistent with Section 26-278 of the Baltimore County Code on July 9, 1998. There is no evidence in the file to indicate that the requested waiver would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. Moreover, the relief requested complies with the requirements of the B.C.Z.R. and should therefore be approved.

ORDER RECEIVED FOR FILING

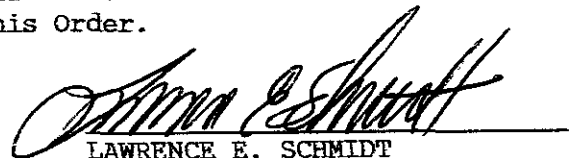
Date

By

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23rd day of July, 1998 that the Petition for Special Hearing seeking approval of a waiver, pursuant to Sections 26-172(b) and 26-203(c)(8) of the Baltimore County Code, and a finding that the proposed improvements are consistent with Section 26-278 of the Baltimore County Code (B.C.C.), as those regulations relate to the preservation of historical buildings and sites, all in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the Zoning Plans Advisory Committee comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) for the June 29, 1998 meeting, a copy of which is attached hereto and made a part hereof.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 7/23/98
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

July 23, 1998

William F. C. Marlow, Jr., Esquire
404 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
SE/Corner Cuba Road and Gardiner Road
(13941 Cuba Road)
8th Election District - 3rd Councilmanic District
Randle M. Goetze, et ux - Petitioners
Case No. 98-488-SPH

Dear Mr. & Mrs. Goetze:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management Office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Randle M. Goetze
13941 Cuba Road, Hunt Valley, Md. 21030

DEPRM; People's Counsel

File

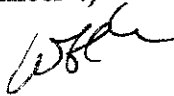




EXHIBIT A

Special hearing to approve a waiver pursuant to §26-172(b), BCC of §§26-203(C)(8) and 26-278 to construct an addition to building (as those sections relate to preservation of buildings or sites).

(Per Arnold Jablon, 6/17/98, "file with administrative procedure but use special hearing language and file as special hearing, subject to posting. No DRC action required. The waiver is what's given by hearing officer".)



ORDER RECEIVED FOR FILING
Date 7/23/98
By [Signature]

488

Zoning Description

13941 Cuba Road

8th Election District

Baltimore County, Maryland

June 12, 1998

Beginning at the intersection of the east side of Cuba Road, being 60 feet wide, and the south side of Gardiner Road, being 50 feet wide. Being known as Parcels Two and Three, in the subdivision of Nicholson's Manor as recorded among the land records of Baltimore County in plat book S.M. 68, folio 110.

Containing in total, 3,404,475 square feet, or 78.156 acres of land, more or less.

Located in the 8th Election District, 3rd Councilmanic District.

48.488-SPH

BALTIMORE COUNTY, MARYL.)
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 056165

DATE 6/18/98 ACCOUNT Ro016150

AMOUNT \$ 250.00

RECEIVED FROM: MARLOW & WYATT

FOR: SPA WAIVER (HISTORIC)

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

98488-SPH

CASHIER'S VALIDATION

PAID RECEIPT

PRINTED: 6/18/1998 11:53:03
BY: MRS. CASHIER MARI M. DRAVER
5 MISCELLANEOUS CASH RECEIPT
Receipt # 020606
FR. INT. 056165

250.00 CHECK
Baltimore County, Maryland

CERTIFICATE OF POSTING

SET AS ADMINISTRATIVE
FORMAT - JOHN LEWIS

98-488-SPH

Case No.

Submitted By: **BILL MARLOW,
ETAL**

Date of Hearing: **7/13/98**

Baltimore County Department of
Permits and Development Management
County Office Building, Room 11
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary signs required by law
were posted in conformity on the property located at **#13941 CUBA
ROAD.**

The sign(s) were posted on

6/25/98

(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 6/28/98
(Signature of Sign Poster and Date)

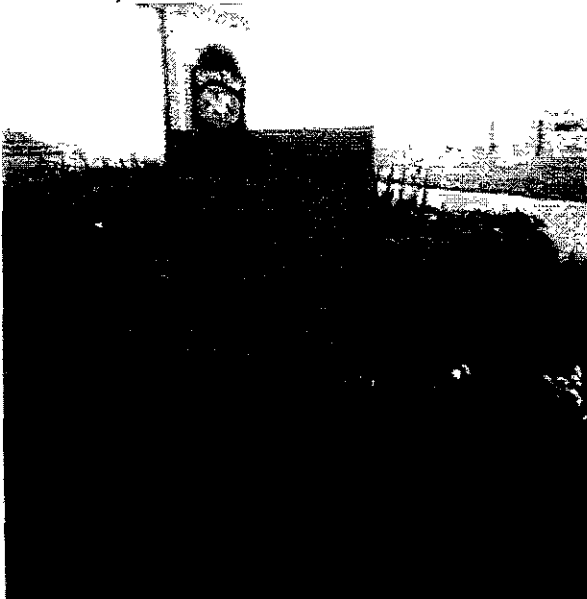
PATRICK M. O'KEEFE
(Printed Name)

523 FENNY LANE
(Address)

HUNT VALLEY, MD. 21056
(City, State, Zip Code)

410-666-5366 ; CELL-410 905 83
(Telephone Number)

#13941 CUBA ROAD



c/o BILL MARLOW - 824-1613

#13941-CUBA RD.

Case # 98-488-SPH (ADMINISTRATIVE)

CLERK: 7/13/98 FAX: 824-6432 F-6/21/98

CERTIFICATE OF POSTING

SET AS ADMIN.
FORMAT - J. LEWIS

AC Case No. 98-488-SPH

Permit Developer BILL MARLOW, ETAL

FAX 821-5432

Date of Permitting 7/13/98

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify, under the penalties of perjury that the necessary signs, returned by law,
have been posted in accordance with the property located at #13941 CUBA RD.

The signs were posted on _____

6/25/98

(Month, Day, Year)

Sincerely,

Patrick M O'Keefe SD-6/28/98
(Signature of Sign Poster and Date)

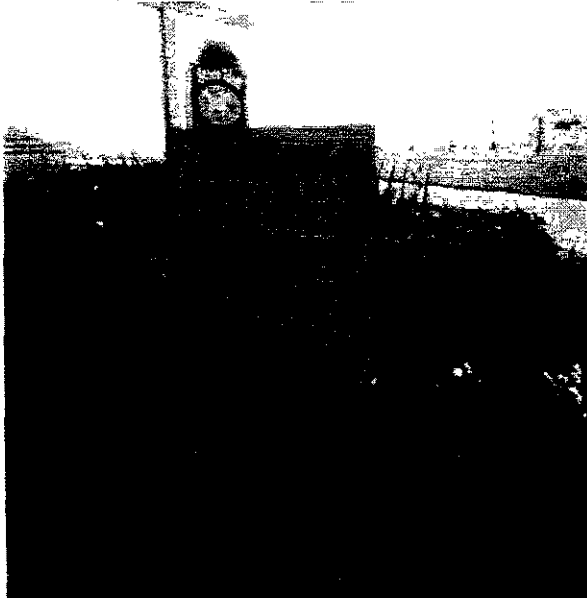
PATRICK M O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 2103
(City, State, Zip Code)

410-666-5366 : CELL-410-405-1
(Telephone Number)

13941 CUBA ROAD



c/o BILL MARLOW-821-1013
13941-CUBA RD.
Case # 98-488-SPH (ADMINISTRATIVE)
CLOSE: 7/13/98 FAX: 821-5432 P-6/21/98

SPECIAL HEARING
ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 98- 488 ~~SPH~~ Address 13941 CUBA RD

Contact Person: JOHN LEWIS Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 6/18/98 Posting Date: 6/28/98 Closing Date: 7/13/98

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
- DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
- ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
- POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

~~SIGN POSTER USE SIGN FORMAT FOR SPECIAL HEARING BUT~~
~~SEE ATTACHED FORM~~

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only **MAKE CERTAIN THE CLOSING DATE AND CHALLENGE INFO. IS COMPLETE ON THE SIGN.**

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 98- 488 ~~SPH~~ Address 13941 CUBA RD

Posting Date: 6/28/98 Closing Date: 7/13/98

Wording for Sign: TO APPROVE
TO PERMIT A SPECIAL HEARING FOR A WAIVER PURSUANT TO SECTION
26-172(b), BCC OF SECTIONS 26-203(C)(8) AND 26-278 TO CONSTRUCT A
ADDITIONAL ADDITION(S) TO BUILDING (AS THOSE SECTIONS RELATE TO PRESERVATION
OF HISTORIC BUILDINGS OR SITES.)



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 7, 1998

William F. C. Marlow, Jr., Esq.
404 Allegheny Avenue
Towson, MD 21204

RE: Item No.: 488
Case No.: 98-488-SPH
Petitioner: Randle and Nancy
Goetze
Location: 13941 Cuba Road

Dear Mr. Marlow:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on June 18, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs
Attachment(s)





Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 25-98
Item No. 488 JLL

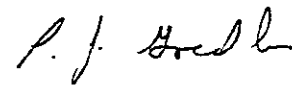
Dear Ms. Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,


for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: July 6, 1998

FROM: *RWB* Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for July 6, 1998
Item Nos. 486, 487 and 488

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:cab

cc: File

ZONE0706.NOC



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

July 10, 1998

Close 7/13

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: JUNE 29, 1998

Location: DISTRIBUTION MEETING OF JUNE 29, 1998

Item No.: 488 Zoning Agenda:

Gentlemen:

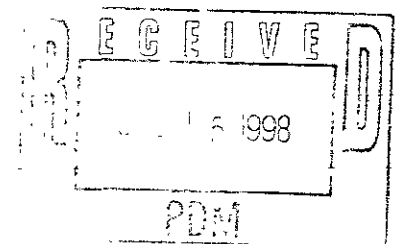
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Dept. of Permits & Development Management

DATE: July 20, 1998

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 13941 Cuba Road

INFORMATION:

Item Number: 488
Petitioner: Randle M. Goetze, III and Nancy L. Goetze
Property Size: 76± acres
Zoning: RC 2
Requested Action: Special Hearing

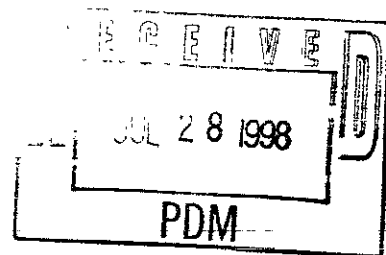
Recommendations on the Development - The existing dwelling at 13941 Cuba Road was built before 1783. Known as "Stone Hall," it is a four-part, Federal-style, fieldstone building with gable roofing. It is a contributing structure in the Western Run-Belfast National Register District, and was individually listed on the National Register in 1973. Its Maryland Historical Trust Inventory Number, BA 89, was assigned in 1965.

Elevation drawings of the proposed additions to the house were shown to the Landmarks Preservation Commission in the meeting on July 9, 1998. After full discussion, the Commission agreed unanimously to recommend that the Hearing Officer's Finding and Conclusion of Law should be that the proposed additions are consistent with the requirements of Section 26-278 and should be approved.

Section Chief:

Jeffrey W. Long

AFK:JL:TD:rlh



Due Date:

TO: Arnold Jablon

FROM: R. Bruce Seeley *RS/41*

SUBJECT: Zoning Item #488

Randle & Nancy Goetze, 13941 Cuba Road

Zoning Advisory Committee Meeting of 6/29/98

----- The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

----- The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

----- Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

----- Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

----- Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

X Ground Water Management: A variance request must be submitted to GWM to construct an addition closer than 30 ft. from the well. Contact GWM for more information.

RE: PETITION FOR SPECIAL HEARING
13941 Cuba Road, SE of intersection Cuba and
Gardiner Roads, 8th Election District, 3rd
Councilmanic

Legal Owners: Randle M. and Nancy L. Goetze

Petitioner(s)

BEFORE THE
ZONING COMMISSIONER
FOR
BALTIMORE COUNTY
Case Number: 98-488-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of July, 1998, a copy of the foregoing Entry of Appearance was mailed to William F.C. Marlow, Jr., Esq., , 404 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN

1" = 200' ZONING MAP
NW 19-D, 20-D, & 20-E
#13941 CUBA ROAD

DATE: 6-12-98

R.C. 2

R.C. 4
H-88-488-SPH

4000

Gardiner Road
N-78,000 N-78,000

P.O.B.
R.C. 2

R.C. 2

N-77,000 N-77,000

N-610,000 N-610,000

STONE HALL

R.C. 4

R.C. 2

R.C. 2

SHEET

N. W.

20-E

N-76,000 W-24,000
N-76,000 W-24,000
N-76,000

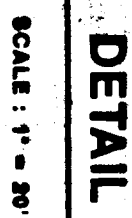
E-885,000 E-885,000

N-609,000

W-22,500 W-22,500

R.C. 4

McKEE & ASSOCIATES, INC.
CIVIL ENGINEERS - LAND SURVEYORS
SHAWAN PLACE 5 SHAWAN ROAD
HUNT VALLEY, MD 21030
PHONE - (410) 827-1555



ROAD

PREVIOUS ZONING HEARINGS
CASE NO. 88-240-8PHA (4.6.88)
CASE NO. 88-147-8PH (2.16.96)
ADDITIONAL APPROVALS
CRG APPROVAL (10.27.88)
DRC NO. 053051 (6.8.95)

MCKEE & ASSOCIATES, INC.
CIVIL ENGINEERS • LAND SURVEYORS
SHAWMAN PLACE 6 SHAWMAN ROAD
MOUNT VALLEY, MD 21030
PHONE - (410) 937-1888

CUBA

PARCEL 2
R.C.2
76.118 AC.±
3315700 S.F.±

ROAD

OWNER INFORMATION
HANDLE M. GOETZE JR
48941 CUBA ROAD
HUNT VALLEY, MD 21030

ITEM NO. 488

PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING

13941 CUBA ROAD

SECOND AMENDED

SECTION ONE PLAY THREE

NICHOLSON'S MANOR

98.488-SPA

9 TH ELECTION DISTRICT BALTIMORE CO., MD
SCALE : 1" = 100' DATE : 6 / 11 / 08